

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

KATRINA HOLTORF,

Plaintiff,

vs.

FRATERNAL ORDER OF THE EAGLES,  
LOCAL CHAPTER 200,

Defendant.

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8:11CV259

ORDER

This matter is before the court on the motion of Travis Thorne Bennington to withdraw as counsel for the defendant ([Filing No. 11](#)). On September 27, 2011, the court held the motion in abeyance to allow the defendant an opportunity to respond to the motion or obtain substitute counsel because the undated motion did not indicate whether it had been served on the defendant. **See** [Filing No. 12](#). Additionally, the court ordered Mr. Bennington to serve the court's order on the defendant and file a notice of such service with the court. *Id.* Mr. Bennington failed to serve the order on the defendant until November 2, 2011. **See** [Filing No. 14](#). In the interest of fairness, the court must give the defendant additional time to respond to the court's September 27, 2011, order. Accordingly,

**IT IS ORDERED:**

1. Travis Thorne Bennington's motion withdraw as counsel for the defendant ([Filing No. 11](#)) is further held in abeyance until November 29, 2011.
2. The defendant shall have an extension of time until **on or before November 29, 2011**, to file a response to the motion to withdraw with the Clerk of Court. If no response is received or if substitute counsel has entered an appearance by that date, the motion to withdraw will be granted.
3. **Moving counsel shall immediately serve a copy of this order on the defendant and file a certificate of service for such service by November 8, 2011, or be subject to sanctions for failure to comply with this court's orders.**

DATED this 3rd day of November, 2011.

BY THE COURT:  
s/ Thomas D. Thalken  
United States Magistrate Judge